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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley et al.
Serial No. : 09/609,915
Filed : July 3, 2000 Group Art Unit: 1641
For : SOLUBLE CTLA4 MUTANT MOLECULES AND USES THEREOF

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November 5, 2001

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OFFICE OF PETITIONS

**REQUEST FOR RECONSIDERATION
OF PETITION UNDER 37 C.F.R. §1.47(a)**

This Request for Reconsideration is being submitted in response to the September 5, 2001 response to Applicants' "Petition Under 37 C.F.R. 1.47(a)" (Paper No. 5). A two (2) month period for reply was set, making the deadline for filing a Request for Reconsideration September 5, 2001. Accordingly, this Request for Reconsideration is being timely filed.

Applicants hereby request reconsideration of their February 28, 2001 Petition Under 37 C.F.R. 1.47(a) and ask that in view of this Request for Reconsideration and the attachments hereto, the subject application be placed in good standing and be deemed ready for substantive examination.

Two of the three formerly nonsigning inventors, Peter S. Linsley and William Brady, have signed Combined Declarations and Powers of Attorney, attached hereto as Exhibits 1 and 2. One inventor, Jeffrey A. Ledbetter, has not responded to requests to review the application papers and

Applicants: Peter S. Linsley et al.
U.S. Serial No.: 09/609,915
Filed: July 3, 2000
Page 2

sign the Combined Declaration and Power of Attorney. However, Applicants have proof of receipt of the application papers by the nonsigning inventor, attached hereto as Exhibit 3.

Background

In response to a September 1, 2000 Notice to File Missing Parts of Nonprovisional Application, Applicants filed the Combined Declarations and Powers of Attorney of four of the inventors and filed a Petition Under 37 C.F.R. §1.47(a) to have the Combined Oaths and Powers of Attorney of the four signing inventors accepted on behalf of all of the inventors, since the remaining three inventors failed to sign at that time. In support of their Petition, Applicants submitted copies of the letter sent to the inventors requesting their signatures on the Combined Declarations and Powers of Attorney.

The Patent Office dismissed Applicants' Petition Under 37 C.F.R. §1.47(a) in its September 5, 2001 Response. The decision stated that Applicants failed to provide adequate proof that "the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers."

Two Non-Signing Inventors Have Now Signed Declarations

Two of the three non-signing inventors who were the subject of Applicants' February 28, 2001 Petition Under 37 C.F.R. 1.47(a) have since signed Declarations. As a result, Applicants have obtained their signed Declarations, which are attached hereto as Exhibits 1 and 2.

Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)

In connection with the above-identified application and in response to the Patent Office's September 5, 2001 Response, Applicants submit this Request for Reconsideration of their Petition Under 37 C.F.R. §1.47(a) and request that the Patent Office accept the Declarations of

Applicants: Peter S. Linsley et al.
U.S. Serial No.: 09/609,915
Filed: July 3, 2000
Page 3

inventors Jurgen Bajorath, Robert J. Peach, Philip Wallace, Nitin Damle, Peter S. Linsley and William Brady on behalf of themselves and nonsigning inventor Jeffrey A. Ledbetter. The Declarations of Jurgen Bajorath, Robert J. Peach, Philip Wallace, Nitin Damle were previously sent with Applicants' February 28, 2001 submission. The Declarations of Peter S. Linsley and William Brady are attached as Exhibits 1 and 2.

In its September 5, 2001 Response to Applicants' February 28, 2001 original Petition Under 37 C.F.R. § 1.47(a), the Patent Office stated that "applicants must demonstrate with documented evidence that the nonsigning inventors refuse to sign the oath/declaration." In this regard, the Patent Office noted that no proof that the inventors actually received the application papers was shown and further stated that "[u]nless applicants can show that a copy of the application papers was presented to the nonsigning inventors, then applicants will have to mail a copy of the complete application papers to the nonsigning inventors . . . return receipts requested."

Further to the Patent Office's September 5, 2001 Response, Applicants sent another letter to the then-nonsigning inventors on October 4, 2001. The October 4, 2001 letter forwarded additional copies of the application papers and Combined Declarations and Powers of Attorney, return receipts requested, and stated that failure to respond by October 29, 2001 would be deemed a refusal to execute the documents. A copy of the October 4, 2001 letter as well as the return receipts are attached as Exhibit 3.

Dr. Ledbetter has not returned the Declaration nor has he contacted Applicants' undersigned attorneys by the October 29, 2001 deadline set in Applicants' October 4, 2001 letter. The last known address for Dr. Ledbetter is:

Jeffrey A. Ledbetter
306 N.W. 113th Place
Seattle, Washington 98117

Applicants: Peter S. Linsley et al.
U.S. Serial No.: 09/609,915
Filed: July 3, 2000
Page 4

Conclusion

In view of all of the above, Applicants respectfully request that the subject application be considered to be in good standing and ready for substantive examination. No fee is deemed necessary in connection with the filing of this Request for Reconsideration. However, if a fee is due, Applicants hereby authorize the Patent Office to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,

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